

## **CHAPTER 4**

### **LAND USE, PLANS, AND POLICIES**

This chapter addresses land use impacts and the consistency of the proposed Bulk Materials Processing Center (BMPC) use permit amendment changes and related actions (Project) with local use plans and policies. The following analysis is based on updated surveys of existing and future land uses at and near the West Contra Costa Sanitary Landfill (WCCSL) site, and a review of applicable land use plans and policies.

#### **A. SETTING**

The characteristics of the WCCSL 340-acre site are described in detail in Chapter 3 of this Environmental Impact Report (EIR). The regional setting of the WCCSL, Project site land use, and immediately surrounding land uses are discussed below. For purposes of this discussion, the EIR for closure of the Hazardous Waste Management Facility (HWMF, State Clearinghouse No. 95063005) is incorporated by reference pursuant to Section 15150 of the California Environmental Quality Act (CEQA) Guidelines.<sup>33</sup>

##### **1. Regional**

The WCCSL borders San Pablo Bay and is surrounded by the bay and marshland to the north, west, and south, and by various industrial and commercial uses to the east. Land use within 1 mile of the WCCSL consists of the following:

- 49 percent open water, marsh, and field
- 18 percent light industry
- 21 percent landfill and adjacent West County Wastewater District (WCWD) Wastewater Treatment Plant
- 9 percent agriculture
- 3 percent residential.

Within the residential category, there are two homes located next to a chemical manufacturing plant along Goodrick Avenue between Parr Boulevard and Protectocoat Lane. These homes are the nearest residences to the WCCSL and are approximately 1 mile to the east. The nearest neighborhood is located also about 1 mile southeast of the WCCSL.

## 2. Project Site

Figure 4-1 shows existing land use near the WCCSL. As shown on Figure 4-1, the northern portion of the WCCSL is within the unincorporated Contra Costa County (County) area, while the remainder of the site is within Richmond City (City) limits. The WCCSL contains two Waste Management Units—an inactive Class I waste disposal area (HWMF) which has been closed pursuant to Federal and State regulations, and the Class II municipal solid waste landfill. Existing BMPC recycling activities include a green and wood waste processing area, a composting area, and facilities for concrete/asphalt crushing and recycling.

Area A contains the Class II landfill gas (LFG) power plant, a plant for treatment of leachate from the HWMF, and a former area for stockpiling clay soils. Area B is a totally enclosed pond south of the Class II landfill that receives surface drainage from the WCCSL. Area C, west of the landfill, is a lagoon open to San Pablo Bay. Area C was originally intended to be used for expansion of the Class II landfill, but such plans were subsequently abandoned by WCCSL.

## 3. Surrounding Land Use and Development

Industrial, commercial, and some residential developments exist in the vicinity of the WCCSL. More detailed discussions of existing and future land use are given below.

**a. Existing.** A variety of commercial and industrial land uses exist near the WCCSL (Figure 4-1). The WCWD Wastewater Treatment Plant occupies the greatest land area. Treated leachate from the HWMF and untreated leachate from the Class II landfill are piped to the WCWD facility for treatment and/or disposal. The facility would also be the source of biosolids for the Applicant's proposed Soil Reclamation and Biosolids/Dredged Material Spreading activities.

The Richmond Sanitary Service Corporation Yard is to the east, and San Pablo Creek comes within 30 feet of the WCCSL to the east and southeast. The major industries in the area include horticultural growers (Color Spot), a material recycling plant (Central IRRF), and the Chevron Refinery. The Richmond Parkway is a major roadway in the area that extends from Interstate 580 near the east approach to the Richmond-San Rafael Bridge northeasterly to Interstate 80 near Hilltop Drive.

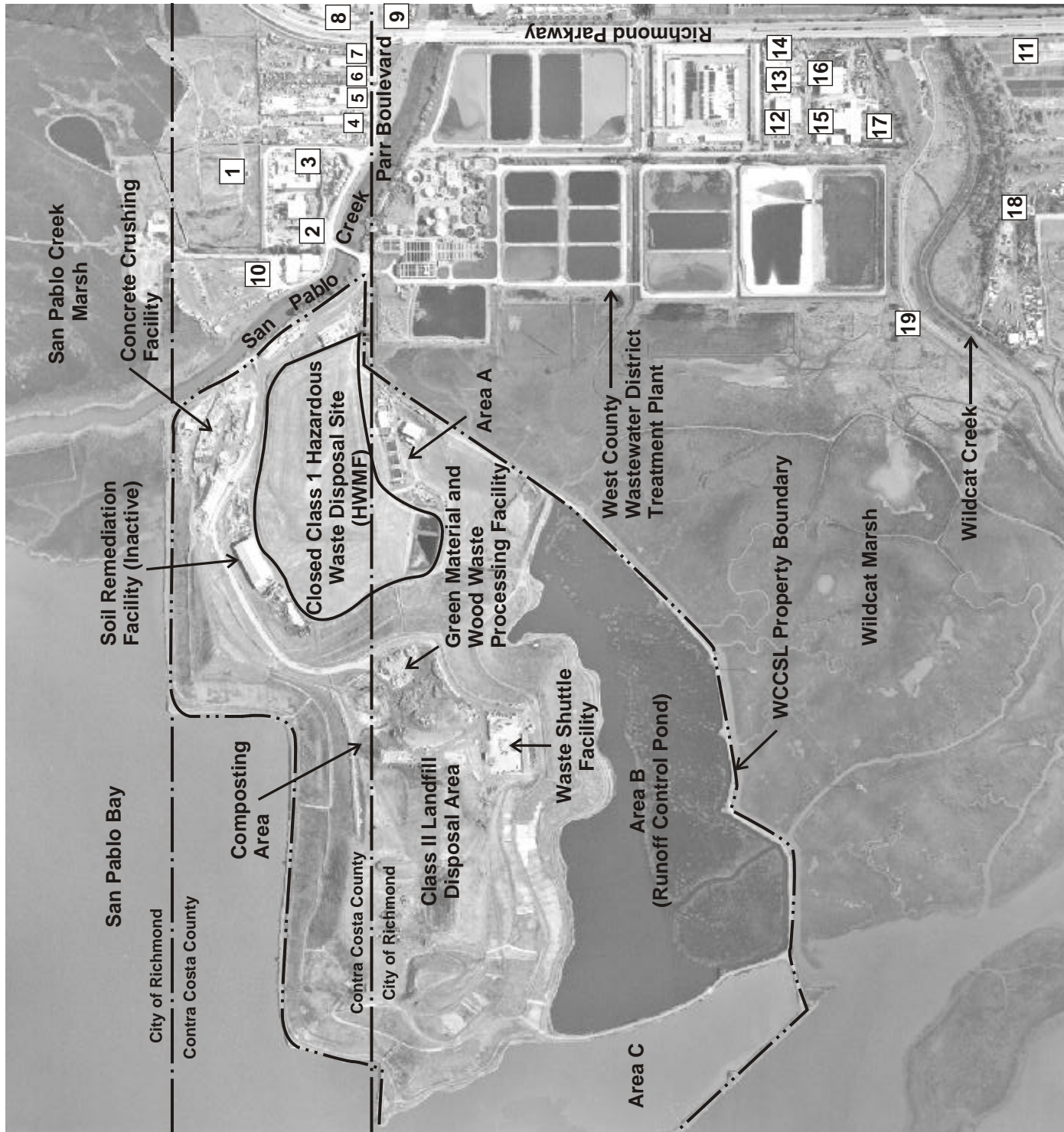
The Richmond Parkway is the major approach roadway to the WCCSL. Figure 4-2 shows the alignment of the Parkway along with locations of adjoining residential land uses. Appropriate sections of this EIR consider these residential land uses relative to compatibility with proposed Project operations and/or projected increases in Project-related traffic. To the south of Parr Boulevard, several areas of older residential uses exist with the closest to the WCCSL (about 1 mile away) being a two-story apartment building on the north side of the Gertrude Avenue/Richmond Parkway intersection. Approximately 7- to 8-foot-high sound walls were installed in these areas when the Parkway was constructed to lower noise levels. To the

**Legend of Owners**

1. Vacant
2. Fahy
3. Bayview Refuse Services, Inc.
4. Tru Green Land Care
5. Hertz Equipment Rental
6. Carlos Auto Wreckers
7. Freeman's Towing
8. Al Cal Piggyback Service Co.
9. EBMUD North Richmond  
Water Reclamation Plant
10. Richmond Sanitary Service
11. Color Spot
12. Maggiara Baking Company
13. Shamrock Exports
14. Arnolds Cabinets, Inc.
15. Commercial Seed Co., Inc.
16. EPIC Plastics Urban  
Resource Recycling
17. C.W. Trucking
18. Lucky Cup
19. Auto Wreckers
20. Wildcat Creek Viewpoint



1" = 840'



**Figure 4-1 Existing Land Uses Near the WCCSL**



**Figure 4-2 Residential Land Use Adjoining the Richmond Parkway**

north of Parr Boulevard, newer residential uses exist with the closest being about 1.7 miles from the WCCSL. With the exception of the residential use along the north side of the Hilltop Drive/Richmond Parkway extension, these residential uses are either set back from the Parkway about 100 feet with sound walls, or below grade. These features help to reduce exposure to traffic-generated noise from the Parkway. The residential land use at the Hilltop Drive/Richmond Parkway extension is not significantly set back nor is there a sound wall.

**b. Future.** To assess the potential impacts associated with future development, a cumulative projects list was developed. The list was developed in consultation with County and City Planning Department staffs, as well as from a review of recent EIR documents. As provided for in Section 15130(b) of the CEQA Guidelines, either these projects or appropriate planning projections are used as a basis for the cumulative impact assessment in this EIR. The cumulative projects list includes the following:

- Central IRRF
- EBRPD Regional Trail System
- San Francisco-to-Stockton (S.F. Baldwin) Ship Channel Phase III Deepening Project
- Richmond Marine Link Pipeline Project
- Miscellaneous residential/commercial/industrial projects.

Brief descriptions of these projects are presented below.

**Central IRRF.** A discussion of the Central IRRF was included in Chapter 2, Section B2(a) and in Chapter 3, Section A3. The Central IRRF, located at 101 Pittsburg Avenue about 1 mile from the WCCSL (Figure 4-3), is a recycling center/transfer station operated by West County Resource Recovery, Inc. Operations at the Central IRRF include a materials recovery facility, a transfer station, a public buyback/drop-off center, and a household hazardous waste collection facility. Through Solid Waste Facilities Permit (SWFP) No. 07-AA-0034, the Central IRRF is permitted to accept up to 1,200 tons per day (TPD) of franchised residential and commercial waste, self-hauled waste, and source separated recyclables. Given the Applicant's proposed Waste Recycling Center (WRC), there is uncertainty over the fate of waste flow once the Class II landfill closes and whether the Central IRRF's full design capacity will be utilized. The decision on waste flow is a policy decision and will be made by the West Contra Costa Integrated Waste Management Authority (Authority).

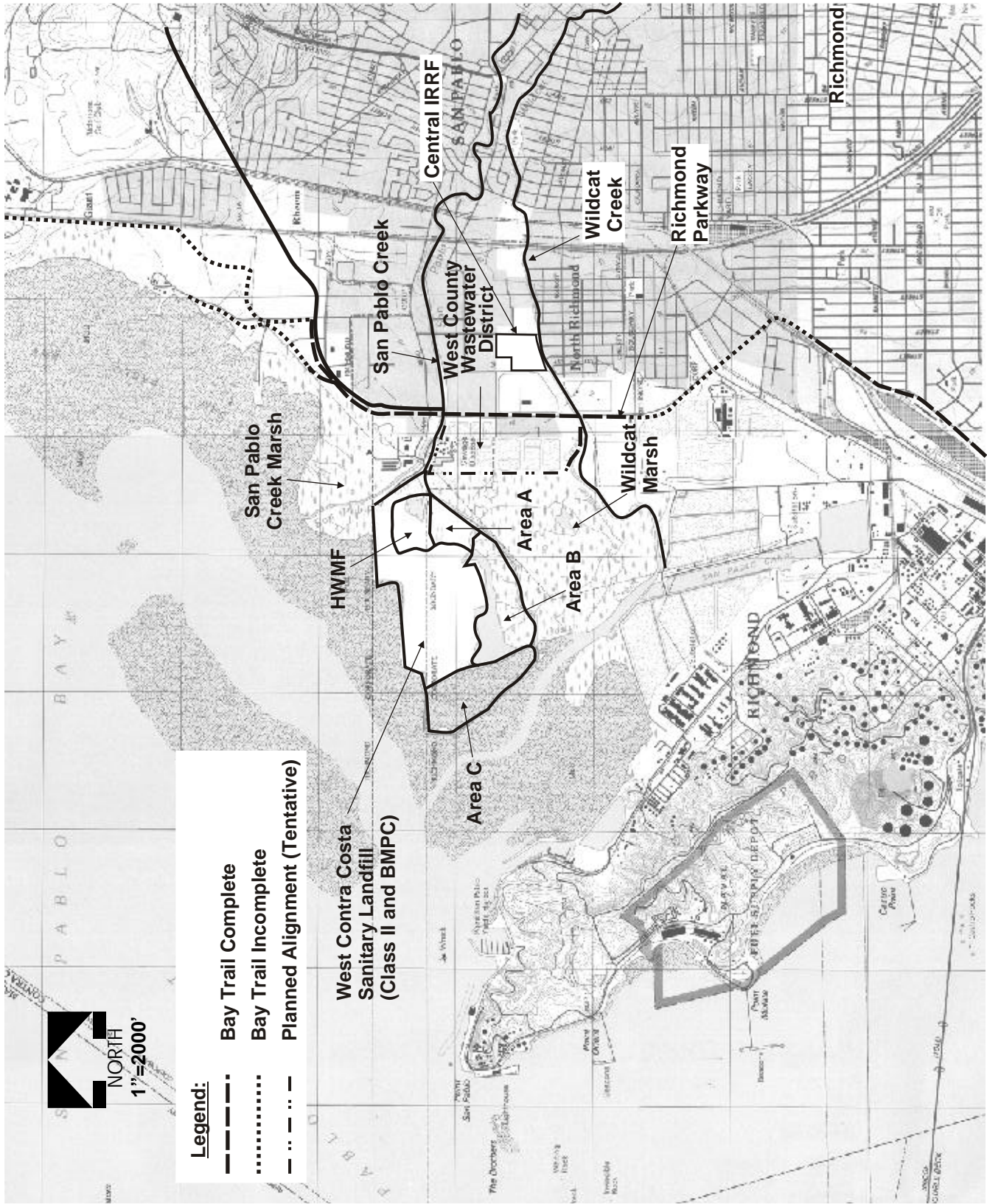


Figure 4-3 Central IRRF Location and Bay Trail Alignment

Source: ABAG-BayTrail December 2002

**EBRPD Regional Trail System.** The East Bay Regional Park District's (EBRPD's) Master Plan calls for the development of a regional bay trail system that will provide an East Bay link on the proposed continuous shoreline trail around the San Francisco Bay. The shoreline trail, which is meant to be sited in natural settings where possible, will be primarily for pedestrian, equestrian, and bicycling uses. For management and planning purposes, EBRPD's regional trail system is divided into a number of Trail Links. The District's 1989 Master Plan calls for one of these links (No. 46) to extend from the Point Pinole Regional Shoreline Park south to Wildcat Creek. The alignment of the trail in this area is subject to change. In addition, spur alignments are being evaluated by EBRPD to provide for greater public access to the shore environment.<sup>40</sup> A tentative planned alignment extends from the Wildcat Marsh viewing platform area north along the western boundary of the WCWD treatment plant property (Figure 4-3).

**San Francisco-to-Stockton (S.F. Baldwin) Ship Channel Phase III Deepening Project.** The concept of deepening the S.F. Baldwin ship channel section has been considered since the early 1990s. A 10-foot deepening of the S.F. Baldwin ship channel from North San Francisco Bay to the vicinity of Pacheco Creek along the Carquinez Strait was originally proposed to meet the needs of refineries and terminals in north Contra Costa County and southern Solano County, allowing deeper draft vessels to access those facilities. An Administrative Draft EIR/Environmental Impact Statement (EIS) on this project was prepared in October 1995. Environmental concerns, however, led the beneficiaries of the proposed dredging (the oil industry) to develop an alternative approach to transporting petroleum products to and from the affected refineries and terminals in the North Bay as described below.

**Richmond Marine Link Pipeline Project.** This alternative involved proposed construction of a new marine terminal in the Point San Pablo area for receiving the oil, and use of an existing PG&E pipeline that would serve the refineries and terminals. Substantial dredging would be required (up to 40,000 cubic yards [CY] for the terminal/pipeline project or up to 9 million CY for the channel deepening project). This alternative has also been abandoned.

More recently, the Port of Stockton has been working with the Army Corps of Engineers to gauge potential for a 5-foot deepening of the Baldwin Channel, as well as the Stockton Channel, to enable larger ships to access the port. Studies are in progress to assess various environmental and technical issues. There is the potential that dredged material could be used at the WCCSL as part of the Biosolids/Dredge Material Spreading operation; however, the implementation of this channel deepening project is uncertain and still years away.<sup>41</sup>

**Miscellaneous Residential/Commercial/Industrial Projects.** Figure 4-4 shows the locations of reasonably foreseeable future development projects in the vicinity of the WCCSL. These projects were obtained from the Administrative Draft EIR for the Richmond Parkway Commerce Center.<sup>28</sup> Brief descriptions of these projects are as follows:



**Figure 4-4 Locations of Reasonably Foreseeable Future Development Projects**

- **Richmond Parkway Commerce Center**—Light industrial development on a 22.5-acre site with 250,000 square feet of development at build-out, located between the Richmond Parkway and Giant Road.
- **Bayview Business Park**—A five-building, 553,000-square-foot office project located at the northerly terminus of Goodrick Avenue.
- **Acacia**—A 60-acre site consisting of 504 apartment units and a 103,000-square-foot retail center located at Richmond Parkway at San Pablo Center.
- **Pinole Pointe**—A project consisting of 211 single-family dwellings located at Atlas Road and Richmond Parkway.
- **Jack Parker Truck Site**—Up to 200 units of housing with some ancillary commercial (20,000 square feet) buildings located along Giant Road in the City of San Pablo.

## **B. REGULATORY AND PLANNING FRAMEWORK**

The regulatory and planning framework is discussed below. Local plans and policies are reviewed and a discussion of applicable regional plans is provided.

### **1. Local Plans and Policies**

The HWMF provides a thorough discussion of local plans and policies and that discussion is hereby incorporated by reference pursuant to Section 15090 of the CEQA Guidelines.<sup>33</sup> In summary, the County General Plan land use designation for the WCCSL is open space (OS) and Class I Waste Disposal;<sup>12</sup> zoning is P-1 Planned Unit Development (North Richmond P-1). The County Board of Supervisors adopted the “North Richmond P-1” zoning in December 1994. This zoning pulls together all of the down development criteria that would be required to review a variety of applications related to planning ordinances and other regulations. The North Richmond P-1 provides that the Integrated Resource Recovery Facility BMPC Land Use Permits (LUP) 2054-92 and 2053-92 and amendments shall govern uses permitted for the BMPC project sites rather than this ordinance.<sup>33</sup> The County General Plan and the North Richmond P-1 provide for the continuation of waste disposal and recyclables processing at the WCCSL Class II landfill site for an unspecified interim period. The WCCSL is located outside the Urban Limit Line as designated in the County General Plan.

The WCCSL is within the North Richmond Shoreline Planning Area. In 1993, the North Richmond Shoreline Specific Plan was prepared to guide and regulate development in the area.<sup>5</sup> The WCCSL Class II landfill area is designated as Parks and Open Space as the long-term future

use of the site. This designation allows continued use of the site for recycling purposes for an interim period up to 30 years. A key objective of the North Richmond Shoreline Specific Plan is to:

- Provide for public access along the shoreline, which includes pedestrian and bicycle facilities and is consistent with EBRPD and Association of Bay Area Governments' alignments both north and south of the plan area for the Bay Trail. The plan will also coordinate with pedestrian/bicycle provisions included in the design of the Richmond Parkway and provide convenient links to inland areas.

## 2. Regional Plans

There are several regional planning documents related to land use that are relevant to the proposed Project. These include the Bay Conservation and Development Commission (BCDC) San Francisco Bay Plan, the EBRPD Master Plan, and Waste Management Plans, which are discussed below. The Regional Water Quality Control Plan and applicable regional air quality plans are discussed in Chapters 6 and 10, respectively.

**a. San Francisco Bay Plan.** The original San Francisco Bay Plan (Bay Plan) was completed and adopted by BCDC in 1968.<sup>18</sup> The Bay Plan has since been amended on numerous occasions. The Bay Plan was prepared by BCDC over a 3-year period pursuant to the McAteer-Petris' Act of 1965. The McAteer-Petris Act directs BCDC to exercise its authority to issue or deny permit applications for placing fill, extracting materials, or changing the use of any land, water, or structure within the area of its jurisdiction, in conformity with the provisions and policies of both the McAteer-Petris Act and the Bay Plan.

BCDC jurisdiction is defined as the band of land 100 feet shoreward from the line of highest tidal action, and specified tributary creeks. In addition, BCDC has advisory policies relating to activities in diked historic baylands for consistency with their policies, and submits its comments to the U.S. Army Corps of Engineers for the Corps' consideration. Relative to the WCCSL, BCDC's jurisdiction includes Area A (policies are advisory in this area), and a 100-foot band of land that extends from the southwest corner of Area A north along the western and northern border of the WCCSL site. Thus, the proposed Public Access Trail (Trail) would require a BCDC permit.

Map No. 3 of the Bay Plan designates the WCCSL site as a "Waterfront Park, Beach" priority use area. BCDC's policy is that priority consideration be given to beach development after the landfill closes. Such a policy minimizes the necessity for future Bay fill to create new sites for these uses. Further, Section 66602 of the McAteer-Petris Act and the Bay Plan policies on public access require that maximum feasible public access consistent with a project be provided to and along the shoreline of the Bay.

**b. EBRPD Master Plan.** The EBRPD acquires, preserves, protects, develops, and operates regional parklands in Alameda and Contra Costa Counties in perpetuity for public use.

The original EBRPD Master Plan was prepared in 1973 and later revised in 1980. The latest revision to the Master Plan was prepared in 1989.<sup>34</sup> The Master Plan presents the appropriate policies, goals, guidelines, and programs for meeting the EBRPD objectives and for achieving optimum service to the public.

EBRPD facilities nearest to the WCCSL include the Point Pinole Regional Shoreline Park, 2½ miles to the northeast; and the Wildcat Creek Viewpoint, located about 4,000 feet (¾ mile) southeast of the Project (Figure 4-1). The EBRPD regional trail system in the North Richmond area was discussed previously in this chapter.

**c. Waste Management Plans.** In 1989, the California Legislature enacted AB 939, the California Integrated Waste Management Act (Public Resources Code 40000 *et seq.*), a statute that laid out extensive new solid waste planning responsibilities and waste diversion requirements for cities and counties in California.

Under this statute, cities are required to prepare two documents. The first required document is a Source Reduction and Recycling Element (SRRE) demonstrating how by 1995 each city will achieve a 25 percent rate of waste diversion from landfill disposal and by 2000 a 50 percent rate of waste diversion. The second required document is a Household Hazardous Waste Element (HHWE) indicating how each city will comprehensively manage its household hazardous waste.

Counties must also prepare SRREs and HHWEs. The county SRRE document must show how the same rates of waste diversion will be achieved in the unincorporated area of a county; and the county HHWE must show how hazardous wastes generated by households in the unincorporated area will be managed. Counties, moreover, must also prepare two additional documents. The first of these is a Countywide Siting Element (CSE), a document that will demonstrate how a county can guarantee a minimum of 15 years of solid waste disposal capacity for the cities and unincorporated area within its boundaries; the second additional required document is the Countywide Integrated Waste Management Plan (CIWMP). This document summarizes key solid waste issues and programs identified in the SRREs, HHWEs, and the CSE prepared by the County and its cities. AB 3001 also required jurisdictions to submit a Non-Disposal Facilities Element (NDFE).

SRREs and HHWEs have been prepared by local communities. The County's CIWMP was approved by the CIWMB on December 15, 1993. The required 5-year review of the CIWMP was approved by the CIWMB on November 19, 2002. The County's CIWMP consists of the CSE, the SRRE, the HHWE, and the NDFE. The WCCSL and the BMPC are designated in the CIWMP (pages I-34 and I-35). The WCCSL is also designated in the NDFE (Table II). In the NDFE, the BMPC is described as providing composting of vegetative wastes and processing of inert solids, while the Central Facility of the IRRF is designated as a transfer station, materials recovery facility, public buyback center, and an optional household hazardous waste collection facility.

Amendments to AB 939 enacted in 1992 allow cities and counties to form regional agencies to implement the requirements of the law. The West Contra Costa Integrated Waste Management Authority (Authority) was formed on April 2, 1991, as a joint powers agency by the cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo. The Member Cities authorized the Authority to prepare a single Regional Integrated Waste Management Plan (Regional Plan) and a single Regional Education and Public Information Program (Program) for the area within the boundaries of the Authority. The Final Regional Plan and Program was published in August 1995 and subsequently approved by the CIWMB in December 1995.<sup>118</sup>

The individual SRREs for all Member Cities referenced above are replaced and superseded by the Regional Plan and Program. The WCCSL Class II landfill is designated in the Disposal Facility Capacity Component (Chapter 7) of the Regional Plan and Program. The Central IRRF is designated in the NDFE (Chapter 8). The WCCSL Composting Facility, BMPC, and former Soil Remediation Facility are described in Chapter 1, Introduction, as additional Non-Disposal Facilities which may or may not be selected for receipt of potentially divertible materials received at the IRRF. The BMPC is described as providing concrete, asphalt, and wood waste processing and recycling.

### **C. SIGNIFICANCE CRITERIA**

Guidance for assessing the significance of potential environmental impacts is found in Appendix G of the Guidelines for Implementation of the CEQA. Relative to this chapter, a project will typically have a significant effect on the environment if it will:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.
- Displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere.
- Be incompatible with existing land use in the vicinity.

## **D. IMPACTS AND MITIGATION MEASURES**

Land use, plan, and policy issues associated with the proposed Project are discussed in this section.

### **1. Impacts Considered not to be Significant**

The Project would not divide an established community, not conflict with a habitat conservation plan or natural community conservation plan, or displace substantial numbers of existing housing or people. County and City planning documents provide for the continuation of waste disposal and resource recovery activities at the WCCSL. Increased shoreline public access is specifically identified in the North Richmond Shoreline Specific Plan and are conditions of approval in the County and City use permits. The proposed Project is consistent with local plans and policies. The proposed Trail increases public access to the Bay and would be a major addition to the Bay Trail. The proposed Project is consistent with the EBRPD Master Plan.

### **2. Land Use**

**IMPACT 4-1. The proposed Project includes a variety of activities and facilities the operation of which could make the WCCSL incompatible with surrounding land use. This impact is considered to be less than significant.**

The WCCSL has been operating in compliance with State and local permits for many years without conflicting with surrounding land use. This area of North Richmond is predominately industrial and open space land uses. The nearest residential land use is about 1 mile from the WCCSL and well buffered by this distance and intervening development. In the remaining chapters of this EIR, with one exception no significant impacts have been identified for the proposed Project which cannot be reduced to a less-than-significant level. The one exception is exceedance of the Bay Area Air Quality Management District (BAAQMD) threshold value for particulate (PM<sub>10</sub>) emissions. As discussed in Chapter 10, Air Quality and Odor, for purposes of this EIR, this impact is significant and unavoidable. The proposed Project would be subject to BAAQMD's New Source Review. During this BAAQMD permitting process, the Project would be evaluated for application of Best Available Control Technology (BACT) and emission offsets for reducing PM<sub>10</sub> emissions to acceptable levels.

**MITIGATION MEASURE 4-1.** None required. Mitigation measures for identified Project impacts are included in remaining EIR chapters.

**IMPACT 4-2. Implementation of the Trail could expose users to the effects created by other Project activities. This impact is considered to be less than significant.**

The proposed Trail has been in the planning stages for many years and has been referenced in several regional and site-specific planning documents, including County and City use permits and the North Richmond Shoreline Specific Plan and associated EIR.<sup>5,6</sup> The Trail is proposed to be implemented in three or four phases and would circle the WCCSL. It would provide numerous benefits including increased shoreline public access, and recreational and educational opportunities.

Users of the Trail are generally not considered to be “sensitive receptors” in this EIR because their presence is elective and short-term in nature. However, the presence of users is considered in appropriate impact categories in other chapters of this EIR. The issues of greatest importance to the Trail users are as follows:

- **Noise.** At the beginning of the Phase 1 alignment, Trail users would be exposed to a variety of operations in WCCSL Area A, such as the LFG power plant, and the leachate treatment plant for the closed HWMF. In this area, users would be exposed to a noise level up to 80 decibels (80 dBA). However, this exposure is temporary and would not be an annoyance. Based on the discussion in Chapter 12, Noise, the vast majority of the Trail users would be exposed to noise levels consistent with the requirements of the County and City General Plans.
- **Odor.** The application of liquid biosolids to closed Class II landfill sideslopes has the potential to create nuisance odor conditions that would be detectable by Trail users. However, as discussed in Chapter 10, Air Quality and Odor, a liquid biosolids spreading demonstration project would be conducted that must demonstrate, prior to full-scale implementation, that liquid biosolids can be spray applied without creating nuisance odors.
- **Public Health.** The end of the Phase 1 alignment, and the Phase 2 and 3 alignments, would have exposure to landfill areas where either liquid or dried biosolids would be applied to sideslopes. Thus, Trail users would potentially be exposed to bioaerosols as well as direct contact with these materials. However, as discussed in Chapter 11, Health and Safety, land application of biosolids is subject to Federal and State regulations. A variety of site controls and use restrictions would be implemented to reduce public health concerns to less-than-significant levels (described in Chapter 11).
- **Traffic and Safety.** As the Phase 3 Trail alignment returns to the proposed parking area, users would be exposed to WCCSL traffic at the entrance area and must cross the main roadway leading to the scale house. A barrier would be placed along the entrance to provide physical separation between the WCCSL entrance and the Phase 3 alignment, and a designated crossing with signage and pavement striping would be

provided for the safety of Trail users. Chapter 8, Traffic and Circulation, includes discussion of other traffic issues.

**MITIGATION MEASURE 4-2.** None required. Mitigation measures for identified Project impacts are included in remaining EIR chapters.

### 3. Plans and Policies

**IMPACT 4-3. Continuation of waste disposal and resource recovery activities could be inconsistent with the San Francisco Bay Plan. This impact is considered to be less than significant.**

Map No. 3 of the San Francisco Bay Plan designates the WCCSL Class II landfill as a Waterfront Park/Beach priority land use area. The Bay Plan has identified upland areas adjacent to the Bay which should be reserved for essential water-oriented land uses, such as a waterfront park, thereby minimizing the necessity for future Bay fill to create new sites for these uses. The proposed Project involves several years of additional disposal capacity at the Class II landfill and expanded resource recovery activities. The ultimate long-term land use for the closed Class II landfill remains as park/open space.

Section 66602 of the McAteer-Petris Act and the Bay Plan policies on public access require the maximum feasible public access consistent with a project be provided to and along the shoreline of the Bay. The proposed Trail would be consistent with these policies.

The proposed Project also includes provisions for applying dredged materials from the Bay to the closed landfill sideslopes. Deposition of dredged materials to upland sites is encouraged by BCDC and is consistent with Bay Plan policies.

**Control Measures Incorporated by Applicant:** None.

#### **EIR Recommendations:**

**MITIGATION MEASURE 4-3** None required.

**IMPACT 4-4. Proposed Project components are not consistent with the County or Regional NDFE. This impact is considered potentially significant.**

The existing BMPC at the WCCSL is included in the County NDFE as a material recovery facility, but not as a transfer station. The existing BMPC is included in the Regional Plan and Program as additional Non-Disposal Facilities which may or may not be selected for receipt of potentially divertible materials received at the Central IRRF.

**Control Measures Incorporated by Applicant:** None.

**EIR Recommendations:****MITIGATION MEASURE 4-4**

- a) The County and Authority would revise their NDFEs to include the proposed WRC at the BMPC as a transfer station (non-disposal facility) pursuant to Article 7, Chapter 9, Division 7 of Title 14 of the California Code of Regulations.

**IMPACT 4-5. Implementation of expanded operations at the BMPC and Central IRRF, and continued landfill operations at WCCSL through January 2006 present the potential for continued or increased illegal dumping activity in the North Richmond area. This impact is considered potentially significant.**

At WCCSL, expansion of BMPC operations is proposed along with continued landfilling operations until January 2006. With the possible full operation of the permitted Central IRRF the potential exists for continued, or increased, illegal dumping activity in North Richmond (both City and County areas) on private lots and in the public right-of-way (e.g. roadways).

Starting with WCCSL in the early 1950s and later operation of the Central IRRF in the early 1990s, North Richmond is host to two solid waste facilities within one-half to three-quarters of a mile apart. It is the only community in the County that hosts two facilities in such close proximity. Illegal dumping of debris and litter is a persistent problem in North Richmond. Illegal dumping is unsightly and potentially unsanitary. Illegal dumping creates a negative image for the community of North Richmond and is a source of concern among its residents.

Factors that contribute to illegal dumping in the North Richmond area include, but are not limited to:

- Less convenient facility operating hours
- Disposal rates some consider too costly
- Willful dumping by unscrupulous individual haulers
- Lack of customer awareness of the acceptable waste that can be disposed at local facilities. When a load is rejected, it may be illegally dumped in the community.

The fact remains that North Richmond, the lowest income neighborhood in Contra Costa County, bears a disproportionate burden of illegal dumping. While North Richmond has less than 2 percent of the County roadways, the costs to clean-up illegally dumped waste

on North Richmond roadways comprised 20 percent of the total County-wide costs in fiscal year 2002/2003.

#### Illegal Dumping can be an Environmental Justice Issue

In October 2000, the County Board of Supervisors endorsed the application of environmental justice as defined in the California Government Code Section 65040.12, which states, "...'environmental justice' means the fair treatment of people of all races, cultures and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies."

Illegal dumping can be an environmental justice issue. Illegal dumping "hot spots" are often found in low-income, minority communities such as North Richmond located near landfills. The original siting of many landfills, including the WCCSL, was accomplished long before the concept of environmental justice was considered.

#### Costs of Illegal Dumping

The collection of debris represents a substantial cost to the County for clean-up. Contra Costa County Public Works Department (PWD) provided cost figures for fiscal years 1997-1998 through 2002-2003 for collection of debris. The tracking of debris collection costs specifically to the North Richmond area was initiated in fiscal year 2000-2001. County PWD maintains approximately 640 centerline miles of roadway in the county, of which 180 centerline roadway miles are in West County (10.1 miles are in North Richmond). Maintenance responsibilities include collection of debris and litter illegally dumped on County roads. A summary of the cost data is presented in Table 4-1.

Table 4-2 shows debris pickup cost data for North Richmond as a portion of West County and County-wide costs. For fiscal year 2002-2003, the North Richmond debris cost of \$209,895 represented about 45 percent of the total West County area debris cost of \$463,039, and about 20 percent of the total debris cost county-wide of \$1,045,203. Compared to centerline miles of roadway and population, the North Richmond area contains about 1.6 percent of county centerline roadway miles, and the West County area contains about 28 percent of county centerline roadway miles, respectively.

Of the \$209,895 expended in fiscal year 2002-2003, approximately 81 percent was spent on labor and equipment, and 19 percent was spent on disposal fees. Costs for North Richmond litter/debris pickup increased from \$83,252 in fiscal year 2000-2001 to \$209,895 in fiscal year 2002-2003, which is an increase of \$127,643 or 153 percent during this three-year period.

**Table 4-1. County Public Works Department Debris Pick Up Costs  
FY 1997/98 to FY 2001/02**

Activity description	Fiscal year 2002-2003 <sup>a</sup>	Fiscal year 2001-2002 <sup>b</sup>	Fiscal year 2000-2001 <sup>b</sup>	Fiscal year 1999-2000 <sup>b</sup>	Fiscal year 1998-1999 <sup>b</sup>	Fiscal year 1997- 1998 <sup>b</sup>
Debris pickup – Countywide	\$360,717	\$299,085	\$259,724	\$203,485	\$ 84,360	\$44,577
Low level hazardous waste – roadside*	17,432	12,635	8,411			
North Richmond litter/debris pickup**	209,895	142,564	83,252			
Workfare G21 West County	142,953	79,240	90,103	207,474	76,734	21,914
Workfare G31 North County	36,013	40,110	32,653	27,221	12,868	9,695
Workfare G36 East County	242,183	110,528	120,338	65,512	11,417	4,795
Workfare G41 South County	36,010	54,447	17,777	19,343	11,931	2,106
Totals	\$1,045,203	\$738,609	\$612,258	\$523,035	\$197,310	\$83,087

\*Environmental Health discontinued the collection of low level hazardous materials for the roadway after fiscal year 1999-2000.

\*\*The tracking of debris collection costs specifically to the North Richmond area was initiated in fiscal year 2000-2001.

Source: a. CCPWD, Joe Yee, E-mail Communication, September 2003.

b. CCPWD, Greg Connaughton, E-mail communication, August 2003.

**Table 4-2 County-wide Debris Pickup Costs for Fiscal Year 2002-2003**

Work order no.	Activity description	2002-2003 Public Works/General Services costs, dollars		
		Total	Labor, overhead and equipment	Dump fees
2304	Debris pickup - countywide	360,717	330,307	30,410
2315	Low level hazardous waste – roadside <sup>a</sup>	17,432	2,335	15,098
2318	N. Richmond litter/debris pickup <sup>b</sup>	209,895	170,765	39,130
2409	Workfare G21 West County	142,953	132,817	10,137
2410	Workfare G31 Central County	36,013	34,126	1,887
2411	Workfare G36 East County	242,183	233,986	8,196
2412	Workfare G41 South County	36,010	33,475	2,535
Total		1,045,203	937,811	107,392

a. Environmental Health discontinued the collection of low level hazardous materials for the roadway after fiscal year 1999-2000.

b. The tracking of debris collection costs specifically to the North Richmond area was initiated in fiscal year 2000-2001.

Detail of debris pickup – countywide	2002-2003 costs, dollars		
	Total	Labor, overhead and equipment	Dump fees
G21 West County	110,191	103,904	6,286
G31 Central County	109,011	97,063	11,948
G36 East County	131,081	121,104	9,977
G41 South County	8,012	7,326	686
Specialty crews	2,421	908	1,513
Total	360,717	330,306	30,410

Source: CCPWD, Joe Yee Email Communication, September 2003.

### Illegal Dumping Hotspots

County Public Works and General Services staff identified locations where illegal dumping occurs most frequently in the North Richmond area. These locations were identified by staff with many years of experience in collection of litter/debris in North Richmond. Some additional sites were identified based on information from the North Richmond community. For purposes of this EIR, locations were grouped into six zones. Each zone contains multiple sites where illegal dumping has occurred. Table 4-3 describes the areas/streets comprising each zone. This listing should not be considered all-inclusive, as illegal dumping patterns are known to change over time. Figure 4-5 shows the location of these hotspots.

### Mitigation Fee

At the time the Central IRRF was permitted in 1993, the facility was expected to process all solid waste in West County after the landfill closed. The Central IRRF is required to pay a Host Community Mitigation Fee as a condition of County Land Use Permit 2053-92. This fee is to be paid on solid waste/processible materials received at the facility to mitigate the general impacts of the IRRF on the adjoining community of North Richmond. Currently, the amount of the fee is \$2.72 per ton. The fee was initially \$2.00 per ton and has since been adjusted annually to reflect the Consumer Price Index.

**Control Measures Incorporated by Applicant:** None

### **EIR Recommendations:**

#### **MITIGATION MEASURE 4-5.**

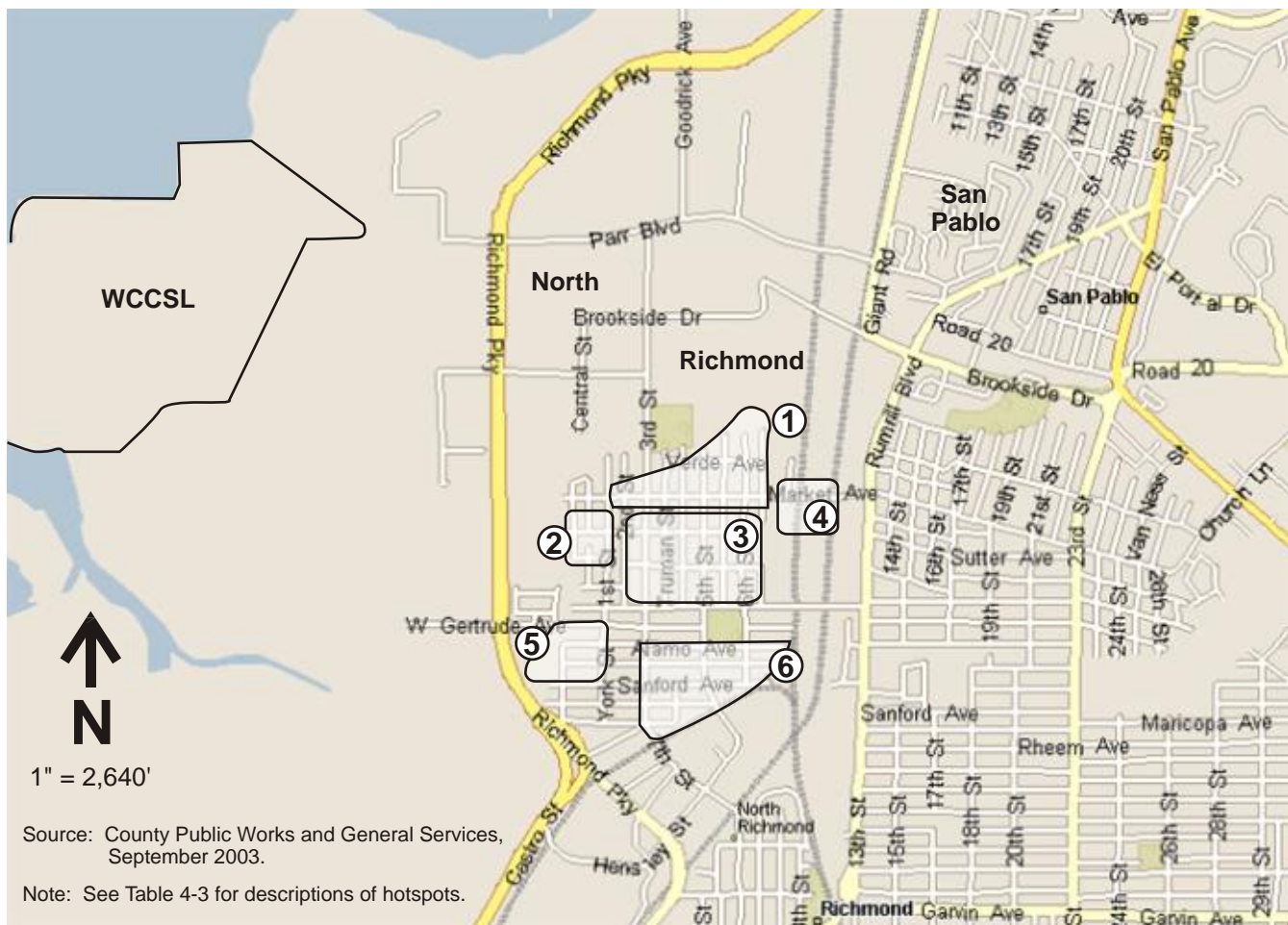
- a) The agency(ies) with applicable permit authority (County, City, or LEA) and mitigation monitoring responsibility would require that applicable permits contain conditions of approval specifying the following:
  - **Mitigation Fee.** The facility operator shall pay a mitigation fee of an amount to be determined by the applicable permitting authority(ies) to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas. The mitigation fee should be subject

**Table 4-3. Illegal Dumping Hotspots in North Richmond Area**

<b>Zone<sup>a</sup></b>	<b>Zone description</b>
1	Area bounded by Harrold St., Market Ave., 7 <sup>th</sup> Street , north to Wildcat Creek
2	Area bounded by Silver, North Jade, West Ruby Ave., and 2 <sup>nd</sup> Street
3	Area bounded by Market Avenue, 2 <sup>nd</sup> Street, Chesley Ave., and 7 <sup>th</sup> Street.
4	Market Ave. at, and east of, the SPRR tracks
5	Area bounded by Gertrude Ave., Battery Street, Sanford Ave., and York Street.
6	Area bounded by Alamo Ave., Filbert Street, and the S.P.R.R. tracks

a. See Figure 4-5 for location of zones.

Source: County PWD and GSD and North Richmond Beautification Committee, September 2003.



**Figure 4-5 Illegal Dumping Hotspots in the North Richmond Area**

to the joint-control of the City and County and should be collected on all solid waste and processible materials received at the facility consistent with the existing mitigation fee collected at the Central IRRF.

- **Agency Coordination.** Facility operator shall participate in County or City task forces and pilot programs established to address illegal dumping in North Richmond and adjacent city areas.
- **Off-Site Debris and Litter Policing.** The facility operator shall provide weekly debris and litter clean-up of Parr Boulevard from the Richmond Parkway to the facility entrance and roads within the "Hotspot Zones 1-6" identified in Table 4-3 and Figure 4-5 of this EIR, and on other access roads as directed by the permitting authority(ies). As needed, the permitting authority(ies) may require more frequent policing to control debris or litter.
- **Littering Signs.** The facility operator shall install and maintain signs noting littering and illegal dumping laws and penalties along Parr Boulevard (the main access road to the facility), and the following other access roads:
  - Richmond Parkway, from Parr Blvd. to Gertrude Avenue
  - Pittsburg Avenue, from Richmond Parkway to 3<sup>rd</sup> Street
  - Garden Tract Boulevard, south of Pittsburg Avenue
  - Market Avenue, from 1<sup>st</sup> Street to the S.P.R.R. tracks
  - 3<sup>rd</sup> Street, from Market Avenue to Grove Avenue
  - 5<sup>th</sup> Street, from Verde Avenue to Chesley Avenue
  - Battery Street, from Alamo Avenue to Vernon Avenue
  - Kelsey Street at the S.P.R.R. tracks

The permitting authority(ies) may designate other roads for signage as needed. The text on the signage should be subject to the review and approval of the permitting authority(ies).

- **Hotline.** The facility operator shall establish an Illegal Dumping Hotline phone number for use by residents and businesses to report incidences of illegal dumping in the North Richmond area. The hotline phone number shall be prominently listed on all "littering signs" described in the above Item (c). Reports or complaints shall be investigated within 24 hours. Verified incidents of illegal dumping of litter or debris shall be collected within 24 hours of verification.
- **Reporting Requirements.** The facility operator shall maintain records regarding all complaints/reports and actions taken to respond including locations, dates, and times. Records shall be made available to the County or City upon request.

Implementation of these measures would reduce impacts from illegal dumping to a less-than-significant level.

#### **4. Impacts of Mitigation Measures**

Implementation of Mitigation Measure 4-4 would require the County and Authority to revise their NDFEs in conformance with Article 7, Chapter 9, Division 7 of Title 14 of the California Code of Regulations. The required steps for amending the NDFE include preparation of the facility amendments and review by the Local Task Force, adoption of the facility amendments by the local governing body after a public hearing, incorporation of the facility amendment by the County and Authority into the CIWMP and Regional Plan and Program, and transmittal of the facility amendments to the CIWMB for consideration and adoption. Implementation of Mitigation Measure 4-5 would create added work activities and cost for the Applicant, but an environmental benefit would result by helping to address illegal dumping in the North Richmond Area.

### **E. CUMULATIVE IMPACTS**

As with existing land uses, the proposed Project would not be incompatible with the approved or proposed future development in the Project vicinity. As illustrated on Figure 4-4, reasonably foreseeable future development projects are located well to the northwest of the WCCSL. All potential physical environmental effects of the proposed Project on adjacent land uses are addressed and mitigated to the extent feasible in their respective chapters in this EIR. The Trail component of the proposed Project is consistent with EBRPD's regional trail system. Appropriate chapters of this EIR also address the cumulative impacts of the Central IRRF operating at its full design capacity with implementation of the proposed Project. As indicated earlier in this chapter, the decision on waste flow is a policy decision which will be made by the Authority. The County and Authority would need to revise their NDFEs to include the WRC at the BMPC as a transfer station (non-disposal facility). The main environmental issue relates to further traffic congestion at the ramps of I-80 during the commuter peak hours, but managing the Central IRRF and proposed Project-related traffic to avoid the commuter peak hour would mitigate this impact.